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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016

28319 7590 04/21/2005

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EXAMINER

STRANGE, AARON N

ART UNIT PAPER NUMBER

2153

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,544

Applicant(s)

COLE ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/21/2004 have been fully considered but they are not persuasive.
2. With regard to claim 16, and Applicant's assertion that "neither Hughes nor Hayward, either alone or in combination, teaches or suggests that a plugin object is *included* in the transmitted software envelope as claimed" (Page 8, Lines 14-15 of Remarks), the Examiner respectfully disagrees. The template, protocol, and CNS IS's are "plugin objects", since they identify how the message is to be interpreted and what software (protocol parser) is to be used to do so. A "plugin object" is not defined in the specification as having any particular meaning. More importantly, Applicant has failed to distinguish between a "plugin object" as recited in claim 1 and a "plugin" as conventionally known in the art to be a supplementary piece of software which adds additional functionality to a larger system. A "plugin object", in the absence of a definition in the specification, may be interpreted as any object associated with or used by a plugin, and still be in accordance with the "broadest reasonable interpretation consistent with the specification" standard (See MPEP 904.01).
3. While Applicant's arguments are not persuasive, in an effort to expedite prosecution of the present application, a new grounds of rejection has been presented with respect to what the Examiner feels Applicant intends to claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10, 12-16, and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

6. With regard to claim 1, the limitation "a first software envelope containing the data file and a plugin object" is not supported by the specification. The specification states only "In one embodiment of the invention, a plugin or parser may be attached to the software envelope". Creating a software envelope *containing a "plugin object"* is a very different operation from and is not supported by *attaching a plugin* to a software envelope.

7. With regard to claim 12, the limitation "a plugin object.....with the predetermined schema" is not supported by the specification. The specification fails to provide support for a data structure containing a plugin object with the claimed characteristics in addition

to the other 4 fields recited in claim 12. The specification describes a data structure containing the first 3 fields on Page 3 of the specification, by at no point does it describe including a plugin object in the data structure.

8. Claims 16 and 20 have similar recitations to claim 1, and are rejected under the same rationale.

9. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-10, 12-16, and 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. With regard to claims 1, 12, 16, and 20, the term "plugin object" is unclear. The term is not defined in the specification, and appears only once in the "Summary of the Invention" section. It is unclear how Applicant intends for the term to differ from the term "plugin" which appears in several locations in the specification, and has a conventional meaning in the art.

13. All claims not individually rejected are rejected by virtue of their dependency from the above claims, as well as any further appearances of the term "plugin object".

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1,6-8,10,16,19,20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212).

16. With regard to claim 1, Hughes discloses a method for exchanging data between a source location and a destination location (column 5, lines 39-41) comprising: generating a data file with a markup language in accordance with a predetermined schema (column 8, lines 35-39); generating a first software envelope containing the data file (column 6, lines 6-14); transmitting the data file software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5); and creating an object from the data file with a plug-in object corresponding to the predetermined schema (column 9, lines 25-32 and 47-57). However, Hughes fails to specifically disclose that the software envelope contains the plugin object.

Dutta teaches including a plugin object with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

17. With regard to claim 6, 19, and 22, Hughes further discloses wherein the markup language comprises standard generalized markup language (SGML) (Col 8, Lines 35-39).

18. With regard to claim 7, Hughes further discloses wherein the step of transmitting comprises transmitting the software envelope via electronic mail (Col 8, Lines 43-44).

19. With regard to claim 9, Hughes further discloses wherein the step of transmitting comprises transmitting the software envelope via an intermediate server (Col 5, Lines 48-52).

20. With regard to claim 10, Hughes further discloses a computer-readable medium having computer-executable instructions for performing the steps recited in claim 1 (Note that it is inherent that in order to perform the method steps there must be a computer-readable medium with computer-executable instructions.).

21. With regard to claim 16, Hughes discloses a method for creating data at a source location to transmit to a destination location (column 5, lines 39-41), comprising the steps of: generating a data file with a markup language in accordance with a predetermined schema (column 8, lines 35-39); generating a software envelope containing the data file (column 6, lines 6-14); identifying a plug-in object that creates an object from the data file (column 9, lines 25-32); and transmitting the software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5). However, Hughes fails to specifically disclose that the software envelope contains the plugin object.

Dutta teaches including a plugin object with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

22. With regard to claim 20, Hughes discloses a method for extracting data from a file transmitted from a source location, comprising the steps of: receiving a software envelope containing a data file marked up with a markup language in accordance with a predetermined schema (column 5, lines 64-67 – column 6, lines 1-5); and creating an object from the data file with the plug-in object(column 9, lines 25-32). However, Hughes fails to specifically disclose that the software envelope contains the plugin object.

Dutta teaches including a plugin object with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

23. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Chen et al. (US 6,507,856).

24. With regard to claim 2, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to disclose generating a second software envelope from the information contained in the first software envelope.

Chen discloses a system for exchanging messages over a network including automatically generating a second software envelope from the information contained in the first software envelope (Col 3, Lines 50-60). This would have been an advantageous addition to the system disclosed by Hughes in view of Dutta since it would have provided greater efficiency when transferring a document back to the original destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a second software envelope from the information contained in the first software envelope since it would have provided greater efficiency when transferring a document back to the original destination.

25. With regard to claim 3, Chen further discloses generating a second envelope having a destination address matching the source address of the first envelope (Col 3, Lines 50-60).

26. With regard to claim 4, Chen further discloses generating a second software envelope having a destination address determined by the state information (Col 3, Lines 50-60).

27. Claims 5, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Lection et al. (US¹ 6,446,110).

28. With regard to claims 5, 18, and 21, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the markup language comprises extensible markup language (XML).

Lection discloses using the well-known markup language XML to generate a data File (Col 6, Lines 34-35 and Fig 13A). This would have been an advantageous addition to the system disclosed by Hughes and Dutta since XML allows great flexibility in organizing and presenting information in the data file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML as the markup language in the system disclosed by Hughes and Dutta since it is a well-known language that allows great flexibility in organizing and presenting information in the data file.

29. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice.

30. With regard to claim 8, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), including that the messages may be transmitted "by HTML" (Col 8, Lines 43-47), it fails to specifically recite that the step of transmitting comprises transmitting the software envelope via HTTP.

The Examiner takes Official Notice that transmitting messages via HTTP is old and well-known in the art. HTML messages are usually transmitted via HTTP, during operations such as loading a web page. HTTP would have been the most common means of transmitting HTML at the time the invention was made, and would almost certainly have been used.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use HTTP to transmit HTML formatted messages since HTTP is the most common transport protocol for HTML.

31. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al. (US 6,446,110) in view of Dutta et al. (US 6,615,212).

32. With regard to claim 12, Lektion discloses a computer-readable medium having stored thereon a data structure comprising: a data field containing address information (see column 9, line 19 ("host port number")); a data field containing the identification of a predetermined schema (see column 9, lines 4-6); a data field containing a data file formatted with a markup language in accordance with the schema (figures 13A-13E, col. 10 lines 14-19); and a data field containing manifest information corresponding to the information contained in the data file data field (see figure 10A-10E, column 9, lines 7-9 and 22-30). However, Lektion fails to disclose that the data structure comprises a plugin object configured to create an object from the data file in accordance with the predetermined schema.

Dutta teaches including a plugin object with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the data structure disclosed by Lektion since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand and utilize them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand and utilize the data file.

33. With regard to claim 13, Lektion further discloses a data field containing state information (see column 9, lines 16-18).

34. With regard to claim 14, Lektion further discloses wherein the state information contains address information (see column 9, line 19 ("host port number")).

35. With regard to claim 15, Lektion further discloses wherein the address information contains an address for replying to a message (see Fig. 4; Note that the double arrows show that the datastreams are going in both directions between the source and destination and therefore the address information must contain an address for replying to the datastream message in order for it to be transmitted back to the host).

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
4/13/2005


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